

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Richard Peasley,

Case No. _____

Plaintiff,

vs.

Notice of Removal

Capital One Bank (USA), N.A.,

Defendant.

TO: Plaintiff and his attorneys, Andrew C. Walker and Bennett Hartz, Walker & Walker Law Offices, PLLC, 4356 Nicollet Avenue South, Minneapolis, MN 55409.

Under 28 U.S.C. § 1446, defendant Capital One Bank (USA), N.A. (hereinafter “Capital One”), hereby gives notice of the removal of the above-entitled action to the United States District Court for the District of Minnesota, and in support of the Notice of Removal states as follows:

1. On or about June 15, 2018, Plaintiff commenced an action against Capital One in Anoka County District Court entitled *Richard Peasley v. Capital One Bank (USA), N.A.* (the “State Action”). A copy of the Complaint in the State Action is attached to this Notice of Removal.

2. Copies of all other process, pleadings, and orders served on Capital One in the State Action, if any, are attached collectively to this Notice of Removal.

3. The United States District Court for the District of Minnesota has original jurisdiction over this action under 28 U.S.C. § 1331. The Court has federal-question jurisdiction under 28 U.S.C. § 1331 because Plaintiff alleges that Capital One violated the

Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.* See *Mims v. Arrow Financial Services, LLC*, 132 S. Ct. 740 (U.S. 2012) (holding that the TCPA’s permissive grant of jurisdiction to state courts does not deprive the U.S. district courts of federal-question jurisdiction over private TCPA suits).

4. This Notice of Removal is filed within 30 days after service of the Summons and Complaint on Capital One.

5. The United States District Court for the District of Minnesota is the District Court for the district embracing the entire state of Minnesota, where the State Action is currently pending. See 28 U.S.C. § 103. Venue is therefore proper in this district under 28 U.S.C. § 1441(a).

6. Capital One expressly reserves its right to raise all defenses and objections to Plaintiff’s claims after the action is removed to the above Court.

Dated: July 12, 2018

s/ Jessica Z. Savran
Erin L. Hoffman
Bar Number 0387835
Jessica Z. Savran
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